

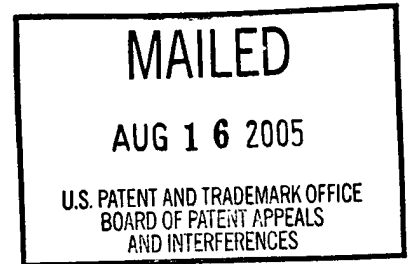
The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

\_\_\_\_\_  
BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

\_\_\_\_\_  
***Ex parte*** ISABELLE AFRIAT

\_\_\_\_\_  
Application 09/847,388  
\_\_\_\_\_



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

\_\_\_\_\_  
This application was electronically received at the Board of Patent Appeals and Interferences on June 17, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On September 14, 2004, appellant filed a Reply Brief. The Phoenix Applications Management System Table of Contents does not show that this paper was considered by the Examiner. However, the PALM INTRANET Content Information contains an entry on 03/15/2005 "Reply Brief Noted by Examiner." Clarification is needed. If the Reply Brief has been considered by the examiner, a copy of the communication needs to be scanned into the record. If the Reply Brief has not previously been considered by the examiner, then the examiner needs consider the Reply Brief, provide written

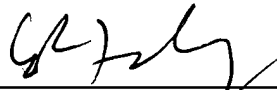
consideration to appellant, and have a complete copy of the communication scanned into the record.

Accordingly, it is

**ORDERED** that the application is returned to the Examiner for

- clarification of the consideration of the Reply Brief;
- if considered, to have a complete copy of the communication scanned into the record;
- if not considered, for written consideration to appellant scanned into the record; and
- for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES



---

Craig R. Feinberg  
Program and Resource Administrator  
(571) 272-9797

Oblon, Spivak, McClelland,  
Maier & Neustadt, PC  
1940 Duke Street  
Alexandria, VA 22314

dem